

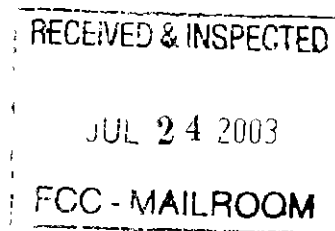


## MAINE ASSOCIATION OF REALTORS®

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July 22, 2003

K. Dane Snowden  
 Chief, Consumer & Governmental Affairs Bureau  
 Federal Communications Commission  
 445 12<sup>th</sup> Street SW  
 Washington, DC 20554



Dear Chief Snowden,

As with many sweeping efforts by government to legislate quality-of-life matters for the public by dictating best practices for businesses, the impact of the law often transcends the well-meaning intent of our lawmakers. This is the case with the soon-to-be-enacted Do-Not-Call Act (the DNC Act). The real estate industry, when allowed to do business freely, delivers quantitative value to consumers and has been one of the few bright spots in our national economy. Overriding states' rights in regulating the telemarketing industry will have a chilling effect on the fragile local economy in Maine.

Please let me state up front that the members of the Maine Association of REALTORS®, are as upset as any American at the ill-mannered behavior of the telemarketers that inspired the Act in the first place. We understand why Americans are embracing it. Real estate does not include the practices that presently upsets our nation.

Unlike national telemarketing campaigns, ours is truly a local practice. REALTORS® link buyers and sellers - delivering terrific value to both - locally. We don't consider the telephone contact that our members have with potential sellers and clients as "hard - core" telemarketing. It is ongoing customer service, offering past customers updates on market conditions and potential customers the best information about supply and demand realities in the marketplace. Let us not forget that for most Americans, their homes are their single most-important asset. Most Americans appreciate any and all information that helps them maximize the value of that investment. To do justice to our customers, REALTORS® often need to maintain informative contact. This is not the harassment that rightfully inspired the Act, yet it is possible that it will be regulated just the same.

One provision in particular offers tangible evidence as to why the Act should not apply to the real estate business. Under the Act, businesses must cease contact with a former customer after 18 months. We think that when it comes to a family's largest single investment -- their home -- this is unfair to the Americans our legislators are trying to protect. We know that, when it comes to the financial and emotional factors that surround the sale of purchase of property, 18 months too often is not enough. Imagine if you had your eye on that "single" property that would change your life. Imagine engaging a REALTOR® to help you achieve that dream. Now, imagine that at the end of 19 months



the family in that special property decides to sell and your broker finds out about it. Imagine it is a market where real estate inventory may not remain on the market more than a day or two. As currently constituted, your real estate agent risks violating federal law and being fined if he or she contacts you with the news you were waiting for. Can this be the intent of the law? Don't certain sectors of the economy deserve special consideration? Unquestionably, ours does.

The federal DNC Act, in our view, has evolved from a national legislation meant to regulate interstate telemarketing practices to one that also regulates intrastate telemarketing practices-- often overriding the legislative bodies of the states. In Maine, in-state businesses, such as Maine-based licensed real estate agents, have received an exemption from the Maine State Legislature for our well-regulated and non-invasive efforts to use the telephone to help Maine residents buy and sell property. As the Act is written, the Federal government's law will trample on our state's well-considered efforts to regulate telemarketers in Maine. Here in Maine, the contribution of the real estate industry to our state economy is recognized by our legislators. Yet, if our state's rights are steamrolled, one of Maine's great economic engines is at risk. Indeed, if applied across our land, one of the pillars of the national economy will be adversely impacted.

We recognize that the implementation of the Act and its enforcement is a work in progress. We understand that there will be reviews and hopefully amendments of the law by the House Energy and Commerce Committee and the Senate Commerce, Science and Transportation Committee and by the Federal Communications Commission. We ask that in this time of opportunity for change that you consider the unique position of REALTORS® in helping Americans achieve the great American dream by enhancing the value of personal property. At the same time, we ask that you recognize that states' rights to regulate intrastate commerce are a foundation of our Union.

We thank you for your consideration in this matter and respectfully await the outcome of the refining of the DNC Act

Yours truly,



Donald J. Plourde, GRI, ABR, CRS  
2003 President  
Maine Association of REALTORS®

cc: Cindy Butts, EVP, Maine Association of REALTORS®  
Terry McDermott, CEO, National Association of REALTORS®